

6.Claim 14 recites the limitation "the mitered corner" in jine 2 of the claim.

Please delete the words

There is insufficient antecedent basis for this limitation in the claim.

"in the mitered corner"

and insert the words "in said mitering."

# DICTIONARY DEFINITIONS.

**butt joint** *n* [*\*butr*] : a joint made by fastening the parts together end-to-end and in wood usu. perpendicular to the grain or edge-to-edge without overlap and often strengthened (as with a strap)  
**butt knuckle** [*\*butr*] : a projection shaped like a knuckle usu. of metal and designed to receive pressure (as from a window pole)  
**but-tle** [*\*bʊd*·l̩·-t̩·l̩] *vi* **buttled**; **buttled** [*\*bʊd*·l̩·t̩·l̩] *substant* : to serve or act as butler

butt hinges: 1 loose-pin butt, 2 fast-pin butt, 3 double-acting spring butt

**abut** [*\*abʊt*, usu -d- + V] *vb* **abutted**; **abutted**; **abutting**; **abuts** [*ME abutten*, partly fr. OF *aboter*, *abouter* to touch at one end, border on (fr. *a-* — fr. *L ad-* — + *bout* end, blow, fr. *bouter*, *bouter* to strike), partly fr. OF *abuter* to come to an end, aim, reach, fr. *a-* + *but* end, aim, purpose, of Gmc origin; akin to ON *butr* piece of wood — more at **BUTT** (to strike), **BUTT** (end)] *vt* to touch (as of contiguous estates) along a border or with a projecting part (his land ~s on the road) : terminate at a point of contact (as with an adjacent structure) : lean or rest for support (as upon another structure) — used with *on*, *upon*, or *against* ~ *vi* 1 : to border on : reach or touch with an end (two lots that ~ each other) 2 : to cause to abut : support by abutment (~ a timber against a post)  
**abu-ta** [*\*abʊd*·t̩·ə] *n*, *cap* [NL, prob. fr. Sp, a plant of this genus] : a genus of tropical American woody vines (family Menispermaceae) — see **WHITE PAREIRA**, **YELLOW PAREIRA**  
**ab uti-li** [*\*abʊd*·l̩·t̩·l̩] [NL] *adv*, of an argument : from utility  
**abu-ti-lon** [*\*abʊd*·t̩·l̩·ən, *abyʊ*·t̩·l̩·ən] *n* [NL, fr. Ar *awbātīlān*, a plant of this genus] 1 *cap* : a large genus of mostly tropical plants (family Malvaceae) having usu. lobed leaves and solitary showy bell-shaped flowers — see **FLOWERING MAPLE**, **INDIAN MALLOW** 2 *s* : any plant of the genus *Abutilon*

## WEBSTER NEW UNABRIDGED INTERNATIONAL DICTIONARY

**tongue-lash** [*\*tʌŋ*·l̩·əʃ] *vb* (back-formation fr. *tongue-lashing*) : CHIDE, REPROVE *syn* see **SCOLD**  
**tongue-lashing** [*\*tʌŋ*·l̩·əʃ] *n* [*tʌŋ*·l̩·əʃ + *lashing*] : a severe scolding  
**tongue-less** [*\*tʌŋ*·l̩·əs] *adj* [*ME tungenles*, fr. *tunge* tongue + *-les* -less] 1 : having no tongue 2 : lacking power of speech : SPEECHLESS, MUTE (best grief is ~ Emily Dickinson)  
**tongue-let** [*\*tʌŋ*·l̩·ət] *n* -s [*tʌŋ*·l̩·ət + *-er*] : a small part, process, or object resembling a tongue  
**tongue-like** [*\*tʌŋ*·l̩·ək] *adj* [*tʌŋ*·l̩·ək + *like*] : resembling a tongue  
**tongue** [*\*tʌŋ*] *n* [*ME tunge*, fr. OE *tunga* tongue + *-er*] 1 : one that makes or inserts tongues (as on shoes, buckles, or boards) 2 : a packing house worker who handles tongues  
**tongues** *pl* of **TONGUE**, *pres 3d sing* of **TONGUE**  
**tongue-shaped** [*\*tʌŋ*·l̩·əʃ] *adj* : having the form of a tongue  
**LINGULATE**  
**tongue shell** *n* : a brachiopod of *Lingula* or a related genus  
**tongue sole** *n* : **TONGUEFISH**  
**tongue-ster** [*\*tʌŋ*·st̩·ər] [*g*(k)st̩·ə] *n* -s [*tʌŋ*·st̩·ər + *-ster*] : a glib or talkative person : a voluble speaker : **BABBLER**  
**tongue-tack-ed** [*\*tʌŋ*·t̩·ək] *adj*, *Scot* : **TONGUE-TIED**  
**tongue-tie** [*\*tʌŋ*·t̩·i] *vi* (back-formation fr. *tongue-tied*) : to deprive of speech or the power of distinct articulation by or as if by a tongue-tie or a gag : make speechless, silent, or unable to speak freely

**tongue** [*\*tʌŋ*] *n* [*ME tunge*, fr. OE; akin to OHG *tunga* tongue, *L lingua*] 1 *a* : a fleshy movable process of the floor of the mouths of most vertebrates that bears sensory end organs and small glands and functions esp. in taking and swallowing food and in man as a speech organ *b* : an analogous part of various invertebrate animals 2 : the flesh of a tongue (as of the ox or sheep) used as food 3 : the power of communication through speech 4 *a* : **LANGUAGE**; *esp* : a spoken language *b* : manner or quality of utterance with respect to tone or sound, the sense of what is expressed, or the intention of the speaker *c* (1) : ecstatic usu. unintelligible utterance accompanying religious excitement (2) : the charismatic gift of ecstatic speech *d* : the cry of or as if of a hound pursuing or in sight of game — used *esp.* in the phrase *to give tongue* 5 : a long narrow strip of land projecting into a body of water 6 : something resembling an animal's tongue in being elongated and fastened at one end only; as *a* : a movable pin in a buckle *b* : a metal ball suspended inside a bell so as to strike against the sides as the bell is swung *c* : the pole of a vehicle *d* : the flap under the lacing or buckles of a shoe at the throat of the vamp 7 *a* : the rib on one edge of a board that fits into a corresponding groove in an edge or another board to make a flush joint *b* : **FEATHER** 4 — tongue-like

**tongues-man** [*\*tʌŋ*·zən] *n*, *pl* **tonguesmen** [*tʌŋ*·zən + *man*] : **TONGER**  
**tongue** [*\*tʌŋ*] *n* -s often attrib [*ME tunge*, fr. OE; akin to OHG *tunga* tongue, ON *tunga*, Goth *tungō*, OL *dingua*, *L lingua*] 1 *a* : a process of the floor of the mouths of most vertebrates that is attached basally to the hyoid bone, that consists essentially of a mass of extrinsic muscle attaching its base to other parts, intrinsic muscle by which parts of the structure move in relation to each other, and an epithelial covering rich in sensory end organs and small glands, and that serves esp. for taking and swallowing food, as the principal seat of the sense of taste, as an instrument for cleansing and grooming, as a tactile organ (as in a snake), and in some forms (as the toad) as a prehensile organ for the seizing of prey *b* : an analogous part of various invertebrate animals (as the radula of a mollusk or the lingula or proboscis of some insects) 2 : the flesh of the tongue of an animal (as the ox or sheep) used as food 3 : the agent of articulated speech : the power of communication or expression through speech (though I speak with the ~ of men and of angels — 1 Cor 13:1 (AV)) (wonders that no ~ can tell) (done to death by slanderous ~s — Shak.) (You had better hold your ~) (used the strongest words he could lay ~ to) (gave him the rough side of my ~) 4 *a* : a spoken language; *esp* : a speech used by a particular people or class or in a particular region : **DIALECT** *b* : a language other than one's own : a foreign or strange language *c* *tongues* *pl*, *archaic* : the learned languages (as Hebrew, Greek, and Latin) — used with *the* *d* *archaic* : a people having a distinct language (gather all nations and ~s — Isa. 66:18 (AV)) *e* : manner or quality of utterance with respect to tone or sound (a soft ~) or the sense of what is expressed (a flattering ~) (a foolish ~) or the intention of the speaker (a flattering ~) 1 : ecstatic usu. unintelligible utterance called forth in a moment of religious excitement (any believer might offer a hymn, or a revelation, or a ~ — C.T. Craig) — see **GIFT OF TONGUES** *g* : the cry of or as if of a hound pursuing or in sight of game — used *esp.* in the phrase *to give tongue* 6 : **TONGUE-FISH** 6 *a* : a tapering cone of flame (Pentecostal ~s of fire) *b* : a tapering decorative element used in relief carvings esp. on moldings (~ and dart molding) — compare **EGG AND DART** 7 *a* : a point or long narrow strip of land projecting from the mainland into a body of water *b* : a point of ice projecting nearly horizontally from the submerged part of an iceberg *c* : a current that runs rapidly between rocks *d* : the lower part of a valley glacier *e* : a minor subdivision or specifically developed part of a sedimentary formation that thins laterally to disappearance in one direction 1 : an offshoot from a body of intrusive igneous rock *g* : a narrow body of air projecting from a main air mass (interlocking dry and moist ~s along a cold front) 8 : something resembling an animal's tongue in being elongated and fastened at one end only; as *a* : a movable pin in a buckle that passes through a hole in the strap to be secured; *also* : the corresponding pin of a brooch or clasp *b* : the index of a balance or scale *c* : a metal ball freely suspended inside a bell so as to strike against the sides as the

WEBSTER'S NEW UNABRIDGED INTERNATIONAL DICTIONARY

**tongue in cheek** *adv* (or *adj*) : with insincerity, irony, or whimsical exaggeration  
**tongue joint** *n* : a joint usu. in metal with a tongue

## THE RANDOM HOUSE UNABRIDGED DICTIONARY 7

**a-but** (ə but/), *v.*, **a-but-ted**, **a-but-ting**. —*v.i.* 1. to be adjacent; touch or join at the edge or border (often fol. by *on*, *upon*, or *against*): This piece of land abuts on a street. —*v.t.* 2. to be adjacent to; border on; end at. 3. to support by an abutment. [late ME < MF *about(er)* (to) join end to end (a- *Λ*-5 + *bout* end) and *abut(er)* (to) touch at one end (a- *Λ*-5 + *but* end)]

**slug** *n* (prob. fr. *\*slug*) 1 : a lump, disk, or cylinder of metal; as *a* (1) : a musket ball (2) : **BULLET** *b* : a piece of metal roughly shaped for subsequent processing *c* : a metal disk for insertion in a slot machine; *esp* : one used illegally instead of a coin 2 *a* : a strip of metal thicker than a printer's lead *b* : a line of type cast as one piece *c* : a usu. temporary type line serving to instruct or identify 3 : a single drink of liquor : **SHOT** 4 : the gravitational unit of mass in the fps system to which a pound force can impart an acceleration of one foot per second per second  
**slug** *v.* **slugged**; **slug-ging** : to add a printer's slug to

**butt joint**, **Building Trades** : a joint formed by fitting pieces of wood or metal united end to end without overlapping.

**a-but** (ə but/), *v.*, **a-but-ted**, **a-but-ting**. —*v.i.* 1. to be adjacent; touch or join at the edge or border (often fol. by *on*, *upon*, or *against*): This piece of land abuts on a street. —*v.t.* 2. to be adjacent to; border on; end at. 3. to support by an abutment. [late ME < MF *about(er)* (to) join end to end (a- *Λ*-5 + *bout* end) and *abut(er)* (to) touch at one end (a- *Λ*-5 + *but* end)]  
**a-but-ti-lon** (*to* *abu-ti-lon*) *n*. a shrub of the genus



Application/Control Number: 10/706,416 Art Unit: 3726

**Claim Rejections -35 USC ~ 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (2,901,816).

Smith discloses abutting two metal strips (12,13), punching a substantially rectangular slot (18, 19) into both abutments (i.e. overlapping portions of strips 12, 13), inserting into the two slots a deformable slug/knock-out-slug (14, 15, 16,17), which is essentially reinserted via deformation back into the center of slot then clinched into the slots, thereby securely joining the strips. A plurality of slots (14, 15,16, 17) is used.

See col. 1, lines 18-20, col. 2, line 34— col. 4, line 57; and

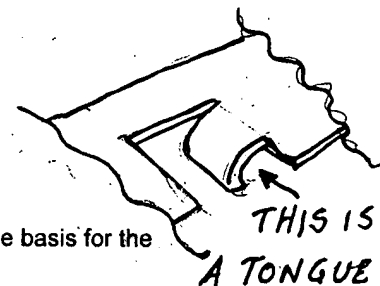
figs. 1-8 for further clarification

**Claim Rejections - 35 USC ~ 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

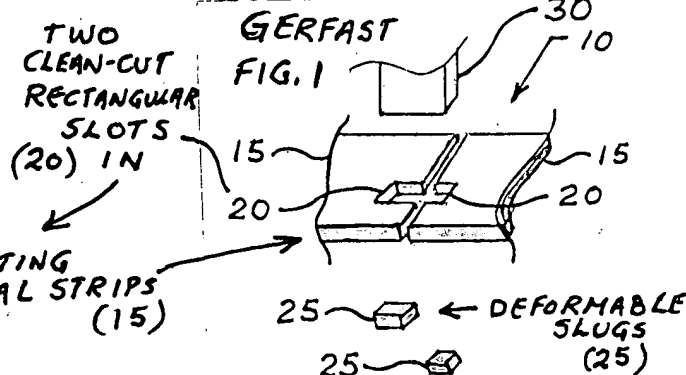
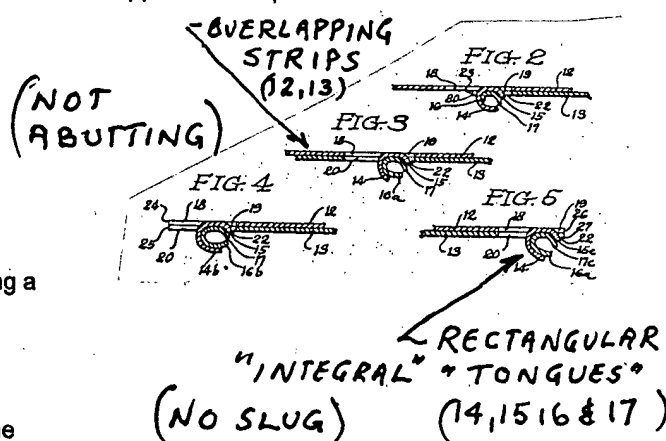
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubus (1,141,046).



2,901,816

SMITH ET AL.



"CLINCHING HEIGHT IS FLUSH OR SLIGHTLY BELOW THE SURFACE OF SAID STRIPS" (CLAIM 12)

The Examiners arguments have been fully considered, but in view of the stated technical terms, from what I consider to the most authoritarian dictionary sources, defining the disputed **concise** words in my application please re-consider the following statements.

# 102 REJECTION, (SMITH)

5 Smith's metal strips (12,13) are overlapping (on top of each other). All of Smith's Fig. 1,2,3,4,5,6,7,8, 9 and 10 shows overlapping, not "Butt-joining." All of Gerfast's 14 claims states "Butt-joining" and also clearly states in claim 1: "in two **ABUTting** metal strips"... "punching two rectangular slots" ..."clinching a slug into said slots"....securely **JOINING** said strips." This is showing that the process steps or structural limitation are able to stand alone.

10 And it is also clearly shown as butt-joining ,(end to end) in Fig.1.

Contrarily Smith states: (Col. 1 lines 29, 30) " Fastening sheet metal pieces (2) in a face to face relationship."(in other words overlapping, not butt-joined.)

I also searched both the Internet and in libraries, for many of the dictionary definitions.

Please read the enclosed definitions from the most authoritarian sources.

15 Even the Examiner (paragraph 8) is concluding that Smith's metal strips (12,13) are overlapping. (i.e. overlapping portions of strip 12,13). There is **NO** "Butt-joining" in U.S. 2,901,816 Smith et al.! With both the Examiner and the most authoritarian sources defining "butt-joining" versus "overlapping" I fail to see how Smith's patent is at all describing the Gerfast application, and respectfully requests that the rejection of claim 1 and 5 be withdrawn.

20 Smith's rectangular slot (18. 19) are not "slots", but are rectangular **tongues** (fastened at one end), (they are sheared on 3 sides and bent down on the 4<sup>th</sup> side to form tongues. When Smith punches two overlapping sheets (Col. 2 lines 41 through 54 ) he is forming: "integral [meaning hanging together with his "metal stock 12 and 13] **tongues 14, 15.16 and 17** " he also explains that punching the tongues "leaves slot type opening 18 and 19" which is where the material 25 for his tongues originates. Smith **does not have real rectangular** (clean-cut) slots, **nor does he have any "slug"** [defined as "a lump, disk or cylinder of metal] (Webster dictionary) Gerfast have (clean-cut) **rectangular slots in two abutting metal strips** (claim 1 and Fig.1), and furthermore has "a deformable slug", that is "clinched into said slots" (Claim 1, slug shown in Fig.1.)

With all the above stated differences and with the Examiner agreeing with some of the above statements, and the most authoritarian dictionary sources defining "butt-joining" versus "overlapping",

I fail to see how Smith's patent is at all describing the Gerfast application, and respectfully requests that the rejection of claim 1 and 5 be withdrawn.

103 REJECTION  
(DUBUS)

"Regarding claims 1, 3, and 5 Dubus discloses abutting (i.e. lean to for support on one another) two strips (1,2) than punching a substantially rectangular slot (Fig. 4-6) into both abutments, and inserting into the slots a deformable slug (3,4; 5,6; 7,8) and clinching it into the slots, thereby securely joining the strips. The abutments have two rounded edges (Fig.5) produced by a punch (i.e. punching operation carried out, lines 64-65 ) and is inherent that a punch is normally used in cooperation with a die. A plurality of slots not labeled , Fig. 4-6 is used."

Dubus does not disclose abutting; he is showing (Col. 1 lines 54, Col. 2 57-59)

"{bands}" are first positioned in the **overlapping relation** shown Fig.1, whereby to provide **double thickness** from which **the locking tongues** may be punched or otherwise produced"

**I also fail to find the word "abutting" as defined as "lean to for support on one another"**

in the most authoritarian dictionary sources. Dubus slots (Fig. 4-6) **are not slots** but are tongues 3 and 4, tongues 5 and 6 and tongues 7 and 8 that he states as: **the locking tongues**. See above: {bands}" are first positioned in the **overlapping relation** shown Fig.1, whereby to provide **double thickness** from which **the locking tongues** may be punched or otherwise produced."

**Nor does he have rectangular "slots", "tongues" are very differently defined from the definition of "slots"**

**Nor does he have slugs defined as "a lump, disk or cylinder of metal] (Webster dictionary)**

his parts 3,4,5,6,7, and 8 **are all tongues**.

Examiners quoted lines 64 and 65, in Dubus, further emphasizes that that these parts are **"tongues produced from the upper overlapping"** etc etc.

With all the above stated differences and with the Examiner agreeing with the **"overlapping "** statements, and the most authoritarian dictionary sources defining "abutting" versus "overlapping",

I fail to see how Dubus's patent is at all describing the Gerfast application, and I also fail to understand how the above would have made claim 1, 3 and 5 obvious and respectfully requests that the 103 obviousness rejection of claim 1, 3 and 5 be withdrawn.

Regarding claims 2 and 4, Dubus does not disclose expressly the strips being metal or material other than metal or the abutments being keystone shaped instead of rectangular.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill

in the art to make the strips of Dubus either metal or material other than metal and to make the abutments keystone instead of rectangular because Applicant has not disclosed that making the strips of metal or material other than metal or making the abutments keystone shaped instead of rectangular provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with strips of Dubus because the strips are effectively joined to one another.

Therefore, it would have been an obvious matter of design choice to modify Dubus to obtain the invention as specified in claims 2 and 4.

"The keystone shape further enhances the holding force during a pull-apart test of the joined strips."

Gerfast page 2 lines 17,18,19  
"a rounding feature,are without added cost, further enhancing the holding force."

Gerfast page 2 lines 22-25  
Neither of these features are obvious, nor do they appear at all in Dubus.

Gerfast strips are "flush"  
"and can be totally flat"

(claim 12) (page 2 line 2)

Neither of these features are obvious, nor do they

appear in Dubus.

With the previous statements of non-obviousness on page 5 and the stated differences I respectfully request that the 103 rejection of claim 2 and claim 4 be withdrawn.

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**Response to Arguments**

11. Applicant's arguments filed 9/22/05 have been

fully considered but they are not persuasive.

Applicant argues that Dubus does not disclose abutting or an abut joint. *According to the the most*

In response, the Examiner maintains that overlapping portions of the *authoritarian dictionaries*

Dubus strips (1, 2) abut one another because the abutting is "abutting" is never overlapping.

encompassed by the overlapping. In addition, the recitation "butt-joining" See Page 5 lines 6-9

has not been given patentable weight because the recitation occurs in (the claims stand alone)

the preamble. A preamble is generally not accorded any patentable weight where it merely recites

the purpose of a process or the intended use of a structure, and where the body of the claim does not

depend on the preamble for completeness but, instead, the process steps or structural limitations

are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPO 15 (CCPA 1976) and *Kropa v. Robie*,

187 F.2d 150, 152, 88 USPO 478,481 (CCPA 1951).

12. Applicant's arguments, see pages 3-5, filed 9/22/05, with respect to the rejection of claims 6-12 have

been fully considered and are persuasive. The rejection of claims 6-12 using prior art has been withdrawn.

**Allowable claims** 13. Claim 6 is objected to as being Please cancel claim 6. Add claim 15

dependent upon a rejected base claim, but would be 15. Butt-joining method comprising:

allowable if rewritten in independent form including all In two abutting metal strips punching

of the limitations of the baseclaim and any a substantially keystone shaped slot

intervening claims. in both abutments, inserting into said two slots

a deformable slug, clinching said slug into said

slots, thereby securely joining said strips.

12-19-05

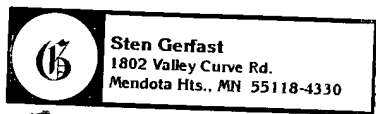
14. Examiner states that claim 7-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 2<sup>nd</sup> paragraph, set forth in this office action.

Please insert the word "both" after the word "of" in claim 7 line 19.

Also remove "in the mitered corner" and insert "in said mitering." in claim 14 line 10 and 11

These changes, plus all the above mentioned severe differences between the Gerfast application versus Smith and Dubus, mentioned above, and corrections to clarify my application language, should in my opinion place the case in condition for allowance.

*Sten R. Gerfast 12-19-05*



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